

**PATRICIA M. EBERL and
ANTHONY E. EBERL,**

Plaintiffs,

V.

WAL-MART STORES, INC.,

Defendant.

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No. 3:09-CV-00527

Phillips/Guyton

JURY DEMANDED

**AGREED ORDER OF DISMISSAL, SUBSTITUTION OF PARTY, AND AMENDMENT
OF COMPLAINT**

Upon representation of counsel for Defendant, Sam's East, Inc., that Wal-Mart Stores, Inc. is not the proper Wal-Mart defendant and that the Defendant should be correctly identified as "Sam's East, Inc.," it is hereby ORDERED, ADJUDGED, and DECREED that the claims filed herein against Wal-Mart Stores, Inc. are dismissed without prejudice as to the refilling of the same.

It is further ORDERED, ADJUDGED, and DECREED that Sam's East, Inc. is substituted as the Wal-Mart defendant in this case and that said substitution relates back to the filing of the Complaint. The Complaint and all pleadings filed to date are hereby amended to reflect the proper Wal-Mart defendant as stated herein. All subsequent pleadings in this case shall be captioned *Patricia M. Eberl and Anthony E. Eberl v. Sam's East, Inc.*

ENTER this 9th day of Feb., 2010.

Thomas H Phillips

UNITED STATES DISTRICT COURT JUDGE

APPROVED FOR ENTRY:

By: /s/ Jessica H. Shafer
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